



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Markeson, Thomas A., of Wild Carter & Tipton (for Petitioner Philip A. Mounts, Executor)

(1) First and Final Account; and (2) Petition for Settlement of Account; (3) Final Report; (4) and Petition for Approval of Final Report; for (5) Allowance of Attorneys' Compensation; (6) for Allowance of Costs Advanced, and (7) for Final Distribution

DOD: 1/15/2011		PHILIP ANDREW MOUNTS , son and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 2/25/2013. Minute Order states counsel requests a continuance. Note: Status Statement filed 2/20/2013 by Executor of the Estate, Philip Andrew Mounts, states: <ul style="list-style-type: none"> His <i>First and Final Account</i> filed 8/9/2012 requested an order of the Court that allowed him to retain a condominium for the benefit of the two minor beneficiaries of Decedent's Will; He reconsidered that plan, and on 1/24/2013, the Court granted his petition for an order allowing him to purchase the condominium from the estate; He has opened escrow with Old Republic Title Co., and the lender has ordered the appraisal and it is scheduled for completion on 2/25/2013; He has completed the loan application and the loan is in process; the lender has indicated he will qualify for the loan; Accordingly, he requests the Court continue this matter for 30-45 days for status on purchase efforts; When escrow closes, he will amend his petition for final distribution accordingly.
		Account period: 1/16/2011 – 7/13/2012	
Cont. from 091812, 102312, 022513		Accounting - \$205,245.13	
Aff.Sub.Wit.		Beginning POH - \$ 96,000.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$100,780.19 (\$5,280.19 is cash)	
<input checked="" type="checkbox"/>	Inventory	Executor - waives	
<input checked="" type="checkbox"/>	PTC	Attorney - \$4,607.35 (exceeds statutory?)	
<input checked="" type="checkbox"/>	Not.Cred.	Costs - \$861.00 (filing fees, probate referee, publication)	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states:	
<input checked="" type="checkbox"/>	Aff.Mail	<ul style="list-style-type: none"> The estate real property is a condominium in Fresno, which has been rented and Petitioner has collected rents since April 2011; Petitioner maintained the property and the mortgage is current; Petitioner donated personal property worth ~\$500.00 to charity per Decedent's direction, because the property was deemed to cost more to store than it was worth; Petitioner delivered the remaining personal property to the estate beneficiaries; 	
	Aff.Pub.	~Please see additional page~	
	Sp.Ntc.		
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	Letters	042111	
	Duties/Supp		
	Objections		
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<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: LEG	
		Reviewed on: 4/9/13	
		Updates:	
		Recommendation:	
		File 1 – Mounts	

Petitioner states, continued:

- Decedent was survived by two grandchildren, both minors, and Decedent's Will passes her entire estate to her two grandchildren, **TAYLOR LORYN MOUNTS** (currently age 16) and **DYLAN JEFFREY MOUNTS** (currently age 14) in equal shares;
- The estate is solvent and is now in a condition to be closed.

Petitioner requests authority to deliver the real property of the estate to himself for the benefit of his children pursuant to the California Uniform Transfer to Minors Act (CUTMA), based upon the following:

- The Decedent owned a condominium at the time of her death with a value of **\$95,000.00**, and the Petitioner does not believe the value has increased significantly, if at all, since the date of Decedent's death (DOD 1/15/2011);
- The balance on the mortgage is about **\$80,000.00**, and if Petitioner was able to find a buyer, the net to the estate would be negligible after costs of sale;
- Because the equity in the property is small and the rents generated just cover expenses, Petitioner does not believe the expense to set up and maintain guardianships of the estate of the minors would be cost effective;
- Accordingly, Petitioner requests an order pursuant to Probate Code § 3906, which authorizes the Court to allow for a transfer to an adult on behalf of a minor in the absence of authorization by a will or trust, if [all of the following are met]:
 1. the personal representative believes the transfer to be in the best interest of the minor;
 2. the transfer is not [prohibited by or] inconsistent with the will or trust; and
 3. the transfer is authorized by the Court if it exceeds **\$10,000.00**. *[Note: Value to each minor will be ~\$47,500.00];*
- Petitioner believes that delivery of the property to [himself to] hold for the benefit of the minors will be in their best interest;
- Petitioner is hopeful that real estate values will increase over time so that the property will have equity;
- Petitioner proposes that he continue to service the mortgage and maintain the property as a rental, and that he continue to collect the rents and otherwise maintain the property;
- Upon each child attaining the age of 18, Petitioner proposes he be allowed to file an ex parte request for an order to turn over ½ of the rental account to the former minor and to distribute ½ of the real property to the former minor.

Petitioner prays for an order:

1. Bringing administration of this estate to a close;
2. Settling, allowing and approving the First and Final Account of Petitioner as Executor;
3. Ratifying, confirming and approving all acts and transactions of Petitioner as Executor;
4. Distributing the real property of the estate to Philip Andrew Mounts under the California Uniform Transfer to Minors Act as custodian for the benefit of Taylor Loryn Mounts and Dylan Jeffrey Mounts, in equal undivided interests as prayed for in the petition;
5. Allowing Petitioner to continue to collect the rents and otherwise maintain the property;
6. Requiring that upon each child attaining age 18, the Petitioner file an ex parte request for an order to turn over ½ of the rental account to the former minor and to distribute ½ of the real property to the former minor;
7. Allowing the statutory fees and reimbursement of costs advanced; and
8. Ordering a lien on the property distributed to the beneficiaries for any unpaid attorney fees.

Petition to Approve and Confirm Acts of Personal Representative to Resolve
Pending Litigation (Prob. C. 9611)

DOD: 11-12-11		JOHN LEONARD , Executor, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Petitioner is also Trustee of the Larry M. Ward Living Trust. Petitioner states there are presently pending seven (7) separate actions between Petitioner as Executor and/or Petitioner as Trustee, and Decedent's wife BRENDA WARD as follows:		1. A copy of the agreement is provided at Exhibit 1. The Court may require the original.	
				Note: The Agreement indicates that the parties will dismiss various outstanding actions, including petitions presently pending in this Estate case, <u>with prejudice</u> .	
Aff.Sub.Wit.				Brenda Ward's Homestead Petition was continued to 5-24-13 as a "place holder" pending settlement. The Court may wish to set this date as the status date for filing of the various dismissals, or may wish to dismiss the following petitions, <u>with prejudice</u> , on its Court's own motion based on approval of this agreement:	
✓ Verified				<ul style="list-style-type: none"> Petition to Determine Ownership Interest filed 5-24-12 by Brenda Ward Petition for Family Allowance filed 5-24-12 by Brenda Ward Petition to Confirm Sale of Personal Property filed 10-23-12 by John Leonard Petition for Probate homestead filed 11-13-12 by Brenda Ward 	
Inventory					
PTC					
Not.Cred.					
✓ Notice of Hrg					
✓ Aff.Mail		w			
Aff.Pub.					
Sp.Ntc.					
Pers.Serv.					
Conf. Screen					
Letters					
Duties/Supp					
Objections					
Video Receipt					
CI Report					
9202					
✓ Order				Examiner's Note: Now that the parties have reached settlement, Counsel should be able to provide an appropriate time frame for concluding the estate. <u>The Court may set a status hearing for the filing of a petition for final distribution by Executor John Leonard.</u>	
Aff. Posting				Reviewed by: skc	
Status Rpt				Reviewed on: 4-8-13	
UCCJEA				Updates:	
Citation				Recommendation:	
FTB Notice				File 2A - Ward	

SEE ADDITIONAL PAGES

Petitioner states that following mediation, the parties entered into a Settlement Agreement and Release of All Claims to resolve all of the actions and all other claims which Brenda Ward may have against the estate or trust, and which Petitioner may have against Brenda Ward, attached as Exhibit 1.

Petitioner has entered into the Agreement subject to this court's approval and requests his discharge of the obligations imposed upon him by the Agreement.

Petitioner prays that the court approve and confirm Petitioner's execution of the Agreement and discharge of the obligations imposed upon him by the Agreement, and such other relief be granted as the Court deems just and proper.

Note: The agreement provides, in part, that:

- Brenda Ward has a community property ownership interest in 17% of the value of the 855 shares of KWPH stock held by the Larry Ward Living Trust at the time of Larry Ward's death, which has been sold by the trust to KWPH in exchange for a down payment and payments on a promissory note. **Therefore, the Trust shall make certain transfers to Brenda.** See agreement for details.
Note: A separate petition is filed for the Trust regarding the Agreement. See Page 2B.
- Brenda Ward has a community property ownership interest of at least \$395,500 of additional property owned by Larry Ward, including the estate's 50% general partnership interest in KARD, and the increased compensation which Larry received in 2010, which represented, in some part, a distribution of 2009 accumulated earnings of KWPH. The sum of \$395,500 will be paid as follows:
 - **The Estate** will execute a deed in favor of Brenda for the Estate's one-half community property interest in the real property located at 567 Ocean View, Grover Beach, CA, which has been inventoried and appraised in the Estate at a date of death value of \$245,000.
 - **The Trust** will transfer to Brenda in cash the sum of \$150,500.
Note: A separate petition is filed for the Trust regarding the Agreement. See Page 2B.
- All parties agree that Leonard's consent to this agreement is subject to Court approval and Leonard will file petitions for such approval with notice of hearing as required by law.
- Upon approval, Leonard will make payments as provided and will dismiss with prejudice the quiet title action in San Luis Obispo County (Recital #7); and Brenda will dismiss with prejudice the actions listed in Recital #1-4, 6, and withdraw her objection to Leonard's proposed sale of KARD listed in Recital #5.
- Leonard will indemnify Brenda from all liabilities of KARD.
- Neither party indemnifies the other from liability for any pending creditor's claims in the estate, including but not limited to claims made by or on behalf of Michael Callahan or the Estate of Michael Callahan.
- The family allowance previously ordered by the Court shall terminate as of 12-31-12. Brenda acknowledges receive of all court ordered family allowance payments for the period December 2011-December 2012.

Atty James M. Bell, Kimberly L. Mayhew, and Darlene A. Kelly (of Caswell Bell & Hillison, LLP,
for John Leonard – Executor)

Petition for Order Approving Successor Trustee's Exercise of Discretion to Settle
Litigation [Prob. C. 17200(b)(5)]

DOD: 11-12-11		<p>JOHN LEONARD, Trustee, is Petitioner.</p> <p>Petitioner states there are presently pending seven (7) separate actions between Petitioner as Executor and/or Petitioner as Trustee, and Decedent's wife BRENDA WARD as follows:</p> <p>8. A petition by Brenda against Leonard as Executor in probate proceeding 12CEPR00007 claiming a community property ownership interest in estate property;</p> <p>9. A petition by Brenda against Leonard as Executor in probate proceeding 12CEPR00007 seeking a family allowance, which was granted by the probate court with an indefinite term;</p> <p>10. A complaint by Brenda against Leonard as Executor in 12CECG02627 on a rejected creditor's claim seeking spousal support for the period between the date Brenda and Larry Ward separated and his date of death;</p> <p>11. A petition by Brenda against Leonard as Executor and Trustee in 12CECG03330 claiming a community property ownership interest in Estate and Trust property, specifically including Larry Ward's stock in K.W.P.H. Enterprises, held in the Larry Ward Living Trust;</p> <p>12. A petition by Leonard as Executor in probate proceeding 12CEPR00007 to confirm the sale of estate property, a general partnership interest in KARD, to which Brenda filed an objection;</p> <p>13. A petition by Brenda against Leonard as Executor in probate proceeding 12CEPR00007 for a probate homestead in decedent's one-half community property interest in residential real property located in Grover Beach, CA;</p> <p>14. A complaint by Leonard as Executor against Brenda for partition of Grover Beach real property in San Luis Obispo County Superior Court Case No. CV 120648</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Pursuant to Local Rule 7.1.2, the Court has assigned a <u>new case number</u> for the Larry M. Ward Living Trust as follows: <u>13CEPR00291</u></p> <p>Going forward, all filings regarding the Larry M. Ward Living Trust should be filed in case number <u>13CEPR00291</u>.</p> <p>1. The petition states the names and addresses of the <u>beneficiaries</u>, but does not state specifically that these are all of the parties <u>entitled to notice</u> pursuant to Probate Code §§ 17201, 17203.</p> <p>The Court may require a verified declaration filed in 13CEPR00291 containing the names and addresses of all parties <u>entitled to notice</u> of proceedings for this Trust.</p>	
	Aff.Sub.Wit.			
✓	Verified			
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✓	Notice of Hrg			
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	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: skc

Reviewed on: 4-8-13

Updates:

Recommendation:

File 2B - Ward

Page 2

Petitioner states that following mediation, the parties entered into a Settlement Agreement and Release of All Claims to resolve all of the actions and all other claims which Brenda Ward may have against the estate or trust, and which Petitioner may have against Brenda Ward, attached as Exhibit 1.

Petitioner has entered into the Agreement subject to this court's approval. The Trust declaration provides that the trustee has the power to compromise or otherwise adjust any claims against or in favor of the Trust.

Because of the size of the trust assets and the broad scope of the Agreement, Petitioner requests that the Court approve and confirm his exercise of his discretion, his execution of the Agreement, and his discharge of the obligations imposed upon him by the Agreement.

Petitioner prays that the court approve and confirm Petitioner's execution of the Agreement and discharge of the obligations imposed upon him by the Agreement, and such other relief be granted as the Court deems just and proper.

Note: The agreement provides, in part, that:

- Brenda Ward has a community property ownership interest in 17% of the value of the 855 shares of KWPH stock held by the Larry Ward Living Trust at the time of Larry Ward's death, which has been sold by the trust to KWPH in exchange for a down payment and payments on a promissory note. **Therefore, the Trust shall make certain transfers to Brenda.** See agreement for details.
- Brenda Ward has a community property ownership interest of at least \$395,500 of additional property owned by Larry Ward, including the estate's 50% general partnership interest in KARD, and the increased compensation which Larry received in 2010, which represented, in some part, a distribution of 2009 accumulated earnings of KWPH. The sum of \$395,500 will be paid as follows:
 - **The Estate** will execute a deed in favor of Brenda for the Estate's one-half community property interest in the real property located at 567 Ocean View, Grover Beach, CA, which has been inventoried and appraised in the Estate at a date of death value of \$245,000.
 - **The Trust** will transfer to Brenda in cash the sum of \$150,500.
- All parties agree that Leonard's consent to this agreement is subject to Court approval and Leonard will file petitions for such approval with notice of hearing as required by law.
- Upon approval, Leonard will make payments as provided and will dismiss with prejudice the quiet title action in San Luis Obispo County (Recital #7); and Brenda will dismiss with prejudice the actions listed in Recital #1-4, 6, and withdraw her objection to Leonard's proposed sale of KARD listed in Recital #5.
- Leonard will indemnify Brenda from all liabilities of KARD.
- Neither party indemnifies the other from liability for any pending creditor's claims in the estate, including but not limited to claims made by or on behalf of Michael Callahan or the Estate of Michael Callahan.
- The family allowance previously ordered by the Court shall terminate as of 12-31-12. Brenda acknowledges receive of all court ordered family allowance payments for the period December 2011-December 2012.

Petition for Settlement of Second Account and Report of Trustee and For Modification

Lyle E. Schafer DOD: 8-20-10		JANICE BRANUM , successor trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Jean M. Schafer DOD: 10/29/12			
		Account period: 01/01/12 – 10/31/12	
		Accounting - \$2,615,701.30	
		Beginning POH - \$2,363,349.19	
		Ending POH - \$2,424,767.01 (all cash)	
Cont. from		<p>Petitioner requests to modify the Trust provisions pursuant to Probate Code §§ 15403 and/or 15409 to authorize the trustee to shorten the period of time the Trust proceeds are held for the benefit of the ultimate beneficiaries of the Trust to allow for an earlier distribution. The dispositive provisions of the Trust, as amended, call for distribution of the balance of the trust estate after the death of the surviving spouse as follows:</p> <ul style="list-style-type: none"> • 16% to Pamela J. Schafer to be distributed in equal annual installments over a five (5) year period • 16% to Marlin L. Schafer to be distributed in equal annual installments over a ten (10) year period • 12% to Joy L. LeBeuf to be distributed in equal annual installments over a ten (10) year period • 10% to Michael J. Kendall to be distributed in equal annual installments over a ten (10) year period • 24% to Janice A. Branum free of trust • 22% to Bradford T. Schafer to be distributed in equal annual installments over a five (5) year period <p>Petitioner states that based on conversations she had with Lyle Schafer prior to his death, that he wanted to encourage the beneficiaries to use Petitioner/successor trustee's expertise to assist them in investment and management decisions. This intent led to the mandatory structured distribution scheme.</p> <p>Continued on Page 2</p>	
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<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF Reviewed on: 04/08/13 Updates: Recommendation: File 3 - Schafer

Notwithstanding the intent expressed by the Trustor, circumstances have changed with respect to the financial circumstances of some of the beneficiaries such that a prolonged distribution scheme stretching over a period of 5-10 years appears to be detrimental to their personal and economic well-being. Additionally, such mandatory oversight is both unnecessary and impractical. All of the beneficiaries are over 40, three are over 60 and one is over 50. Petitioner proposes to modify the holding period from the period specified in the Second Amendment to the Trust to a period not to exceed 6 months from the date of Jean Schafer's death. Each beneficiary has consented to the proposed modification to the terms of the Decedent's Trust pursuant to Probate Code § 15403, as have the Successor Trustee Janice Branum and the alternate Successor Trustee Bradford T. Schafer.

If the Court does not approve the modification of Trust as requested above, Petitioner requests clarification of the dispositive terms in order that the first annual distribution can be made immediately with the second annual distribution to be made on 12/31/13.

Petitioner prays for an Order:

1. Settling, allowing and approving the second account; and
2. Modifying the Trust to provide that the holding period for the subtrusts not exceed six (6) months from Jean Schafer's death.

Goldie Myers DOD: 04/20/98	DORETA RUTH WHITTEN , successor trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Arthur Myers DOD: 03/25/11	Petitioner states:	
	1. Trustors Arthur William Myers and Goldie Mae Myers established the ARTHUR WILLIAM MYERS AND GOLDIE MAE MYERS JOINT REVOCABLE LIVING TRUST under the laws of the State of Oregon on 09/14/95 (the "Trust").	
Cont. from	2. Upon relocating to California, Trustors engaged the firm of Russell & Herring to prepare a restatement of the Trust. The complete restatement of Trust was executed on 10/08/97 (the "Restated Trust").	
<input type="checkbox"/> Aff.Sub.Wit.	3. Under the terms of the Restated Trust, Trustor Arthur William Myers was the initial sole trustee and Doreta Ruth Whitten was designated to serve as the sole successor trustee (as was the case in the Trust).	
<input checked="" type="checkbox"/> Verified	4. After a diligent search, Petitioner has been unable to locate either a copy or the original of the Restated Trust.	
<input type="checkbox"/> Inventory	5. After the death of the surviving Trustor, Arthur Myers, on 03/25/11, Petitioner began serving as sole successor trustee pursuant to the terms of the Restated Trust. As successor trustee, Petitioner has administered the Restated Trust based in part on the terms summarized by attorney Ann E. Herring in correspondence with Arthur Myers dated 11/01/2000 and in part on handwritten instructive notes from her father, Arthur Myers as follows:	
<input type="checkbox"/> PTC	- All assets of the Survivor's Trust were distributed ½ to Doreta Ruth Whitten, surviving trustor's daughter, and ½ to Ronnie Gale Myers, surviving Trustor's son.	
<input type="checkbox"/> Not.Cred.	6. All assets held in the Myers Bypass Trust were to be distributed to Doreta Ruth Whitten.	
<input checked="" type="checkbox"/> Notice of Hrg	Continued on Page 2	
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.	Reviewed by: JF	
<input type="checkbox"/> Sp.Ntc.	Reviewed on: 04/09/13	
<input type="checkbox"/> Pers.Serv.	Updates:	
<input type="checkbox"/> Conf. Screen	Recommendation:	
<input type="checkbox"/> Letters	File 4 - Myers	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

7. During her search of her father's papers for the Restated Trust, Petitioner discovered a handwritten letter of instruction regarding the administration of the Restated Trust. Although Petitioner has been advised that this letter may not constitute a legal amendment to the Restated Trust, Petitioner intends to honor the request that the sons of Mr. Myers' deceased daughter, Frieda Fern O'Dea, namely, Michael T. O'Dea and Raymond O'Dea, each receive the cash sum of \$25,000.00. Petitioner believes that no provisions (or instructions) were made for the daughters of Mr. Myers' deceased son, Carol Duane Myers, namely, Kimberly Myers and Diane M. Myers, due to receipt by them of real property at the time of their father's death.

Petitioner prays:

1. The Court make an order determining and ordering that the following are the dispositive terms of the Myers Survivor's Trust: All assets held in the Myer's Survivor's Trust are to be distributed:
 - ½ to Doreta Ruth Whitten; and
 - ½ to Ronnie Gale Myers.
2. The Court make an order determining and ordering that the following are the dispositive terms of the Myers Bypass Trust: All assets held in the Myers Bypass Trust are to be distributed to Doreta Ruth Whitten.

Declaration of Ann E. Herring, Esq. filed 02/28/13 states:

1. She worked with attorney Robert Zehner at the firm of Russell & Herring in Cameron Park, California. This firm represented Arthur and Goldie Mae Myers, who recently moved from Oregon to California, in their estate planning matters. As part of that representation, her firm prepared a restatement of the Arthur William Myers and Goldie Mae Myers Revocable Living Trust ("Restated Trust") which was executed on 10/08/97.
2. Trustor Goldie Mae Myers died in 1998. In October 2000, surviving Trustor Arthur Myers retained her services to assist him in matters relating to the administration of the Restated Trust. As part of that representation, she had numerous meetings and telephone conversations with Mr. Myers, as well as communication through written correspondence.
3. Based on what was communicated to her and her recollection of the plan as reflected in a letter she wrote to Mr. Myers, the following summarizes the terms of the Restated Trust:
 - Arthur William Myers continued to serve as sole Trustee after the death of Goldie Myers. At the death of Arthur Myers, his daughter, Doreta Whitten, was designated to serve as sole successor trustee and her daughter, Rita June Harris, as the successor trustee in the event that Doreta Whitten was unable to serve.
 - At the death of the first Trustor to die, the assets of the Restated Trust were to be split into two sub-trusts: a Survivor's Trust and a Bypass Trust. The terms of the sub-trusts were as follows:
Survivor's Trust: The surviving Trustor, Arthur William Myers, was to have the absolute right and access to income and principal. The surviving Trustor also retained the right to revoke or amend any portion of the Survivor's Trust. Under the dispositive provisions of the Restated Trust, the sole beneficiaries of the Survivor's Trust were the Surviving Trustor's children, Doreta Ruth Whitten and Ronnie Gale Myers. An amendment to the Survivor's Trust dated 11/07/2000 was prepared by her office which amended the Survivor's Trust to clarify that were either of Doreta Ruth Whitten or Ronnie Gale Myers to predeceased the Surviving Trustor, the survivor of them would be entitled to receive the entire balance of the trust estate of the Survivor's Trust. The amendment was drafted based on written instructions of Arthur Myers to change or amend the trusts to provide that the assets were to be received only by his own children, namely, Doreta Ruth Whitten and Ronnie Gale Myers who were living at his death.

Continued on Page 3

Bypass Trust: The sole beneficiary of the Bypass Trust was Doreta Ruth Whitten. It was the stated intention of the Trustor's that Doreta Ruth Whitten received the Trustor's residence. This understanding of the documents and the intent of the Restated Trust is stated in the Surviving Trustor's handwritten letter dated 09/21/2000 (copy attached).

4. After the death of Arthur Myers, Doreta Whitten contacted Ms. Herring in regards to locating a copy of the Restated Trust. Ms. Herring reviewed all of the physical files and computer in her possession and as of the date of this declaration, she has been unable to locate either a physical copy or computer records of the Restated Trust. Ms. Herring states that there are no computer records regarding the Restated Trust due to a hard-drive corruption that completely obliterated all computer files at her prior firm.

5. This declaration correctly summarizes the basic terms of the Restated Trust to the best of Ms. Herring's recollection.

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 09/26/2012		JILL A. LAIRD , spouse/named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 12/16/2010 Residence: Clovis Publication: The Fresno Bee <u>Estimated Value of the Estate:</u> Personal Property - \$310,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: 1. Trustee of the Brian and Jill Laird Family Trust not listed on #8 of the petition. 2. Need notice to the Trustee of the Brian and Jill Laird Family Trust. Note: If the petition is granted status hearings will be set as follows: • Friday, 09/13/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 06/13/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
Cont. from				
	Aff.Sub.Wit.			s/p
✓	Verified			
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	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: LV
Reviewed on: 04/08/2013
Updates:
Recommendation:
File 6 – Laird

Margaret Mitchell DOD: 9-17-09		SUSAN MITCHELL and ROBERT SMITTCAMP , Co-Trustees, are Petitioners. Account period: 10-1-11 through 10-31-12 Accounting: \$518,833.66 Beginning POH: \$509,320.37 (cash plus note receivable) Ending POH: \$ 55,754.40 (cash plus mineral interests in Nevada County of nominal value) Petitioners state on or about October 2011, the Co-Trustees provided a first accounting to the beneficiaries for the period 4-28-11 through 9-30-11, together with a proposed distribution. All beneficiaries consented to distribution and there are no issues pending regarding that account. Distributions during this account period consisted of cash and note payable to each beneficiary. Petitioners pray for an order: 1. Settling, allowing, and approving the Account; 2. Ratifying, confirming and approving all acts and transactions of the Co-Trustees relating to matters reflected in the Account, and 3. For such other and further order or orders as the Court may deem appropriate.	NEEDS/PROBLEMS/COMMENTS: 1. Notice of Hearing was sent to beneficiary Gail Burson " <u>c/o</u> " Attorney Tracy A. Agrall, Esq., of Wild, Carter & Tipton. However, <u>direct</u> notice is required per Probate Code §1214 (notice to be sent to attorney " <u>also</u> ") and Cal. Rules of Court 7.51(a). The Court may require continuance for appropriate notice or waiver of notice of hearing by Ms. Burson.	
William Mitchell DOD: 4-27-11				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc Reviewed on: 4-9-13 Updates: Recommendation: File 7 - Mitchell	

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 02/17/2013		DONNA SILVA , friend/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		Full IAEA – o.k.	
	Aff.Sub.Wit.	s/p	
✓	Verified		1. #2d (1) or (2) is not marked regarding bond.
	Inventory		2. Need Notice of Petition to Administer Estate.
	PTC		3. Need proof of service of Petition to Administer Estate on the following:
	Not.Cred.		<ul style="list-style-type: none"> • Katherine Sinclear • United States Navy Memorial Foundation • Ronald Silva • Michael Hopper (Nephew) • Michael Hopper (Great Nephew)
	Notice of Hrg	x	
	Aff.Mail	x	
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		Note: If the petition is granted status hearings will be set as follows:
✓	Duties/Supp		<ul style="list-style-type: none"> • Friday, 09/13/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 06/13/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: LV

Reviewed on: 04/08/2013

Updates:

Recommendation:

File 8 - Molder

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 7/11/10	JONATHAN BEYER was removed as Administrator and PUBLIC ADMINISTRATOR was appointed on 8-15-12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 081512, 111312, 021113	I&A filed 2-28-11 reflects a total estate value of \$353,473.00, including \$67,773.00 cash, real properties, a vehicle, furnishings and personal effects, and a sole proprietorship ("Boxcar Cafe").	<u>OFF CALENDAR</u>
Aff.Sub.Wit.		
Verified		Petition for final distribution filed 4-4-13 is set for hearing on 5-8-13
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
✓ Status Rpt		
UCCJEA		
Citation		
FTB Notice	<p>Prior status hearings, including Orders to Show Cause for non-appearance, etc., were held on 11-9-11, 1-25-12, 3-14-12, 4-25-12, 6-6-12, and 8-15-12.</p> <p>On 8-15-12, the former Administrator was not present. The Court removed Mr. Beyer as Administrator based on his failure to fulfill his duties and appointed the PUBLIC ADMINISTRATOR. Letters issued on 9-28-12.</p> <p>Status Report filed 11-9-12 by Public Administrator states that Jonathan Beyer told Deputy Public Administrator Noe Jimenez that the bank account was closed and used to pay creditor's claims; however, they were not claims that were filed with the court. However, no proof has been provided. It is also unknown what happened to other assets, including a vehicle and personal effects. The real properties were owned in joint tenancy and therefore passed upon the decedent's death to Douglas Beyer and should not have been inventoried. More time is needed to research the estate. Public Administrator requests 90 days.</p> <p>Status Report filed 2-6-13 states Mr. Beyer reported that his paralegal had documentation to show what happened to the money and would send it to the Public Administrator, but, to date, that has not happened. So, the Public Administrator still needs details regarding the accounts and claims. In addition, no explanation has been given as to what happened to the vehicle or other items included in the I&A. The Public Administrator has neither received any assets that were purported to belong to the estate nor any documentation regarding the disposition of the estate.</p> <p>The Public Administrator seeks instruction from the Court.</p>	
		Reviewed by: skc
		Reviewed on: 4-8-13
		Updates:
		Recommendation:
		File 9 - Beyer

Probate Status Hearing Re: Filing Inventory and Appraisal

DOD: 11/17/11		JUDY TOLER , daughter, was appointed Executor without bond on 08/02/12. Letters were issued on 08/23/12.	NEEDS/PROBLEMS/COMMENTS:
		Minute Order from 08/02/12 set this matter for status re: filing the Inventory & Appraisal on 12/07/12.	CONTINUED FROM 03/01/13 Minute order from 03/01/13 states: No appearances. The Court notes for the minute order that there is no status report and there are assets that require appraisal. The Court further notes that a complete inventory is needed. Matter is continued to 04/15/13. The Court orders Myron Smith to be personally present on 04/15/13.
Cont. from 120712, 030113			
<input type="checkbox"/>	Aff.Sub.Wit.	Inventory & Appraisal filed 02/08/13 - \$62,465.69.	<p>As of 04/08/13, nothing further has been filed and the following notes remain:</p> <ol style="list-style-type: none"> 1. Inventory & Appraisal filed 02/08/13 is not marked in the caption indicating whether this is a partial inventory or final (or otherwise marked). There are several items listed on attachment 2 that require appraisal by the probate referee that are not appraised; therefore, it appears that this is a partial inventory and appraisal. Need clarification and Final Inventory & Appraisal. <p>Note: A copy of the Minute order was mailed to Myron Smith on 03/01/13.</p>
<input type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting	Reviewed by: JF Reviewed on: 04/08/13 Updates: Recommendation: File 10 - Barnes	
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Age: 4 years		TEMPORARY EXPIRES 04/15/13		NEEDS/PROBLEMS/COMMENTS:	
		KA LEE and KA XIONG , maternal aunt and uncle, are petitioners.		1. Need proof of personal service of the Notice of Hearing along with a copy of the petition 15 days prior to the hearing <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence on: a. Unknown father	
		Father: UNKNOWN		2. Need proof of service by mail of the Notice of Hearing along with a copy of the petition 15 days prior to the hearing <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence on: b. Unknown Paternal grandparents	
Cont. from		Mother: NOU LEE – Personally served on 03/20/13		3. Temporary and General Petitions were not signed by the attorney.	
	Aff.Sub.Wit.		Paternal grandparents: Unknown	4. Need UCCJEA.	
✓	Verified		Maternal grandfather: Tou Lee	5. Need CI report and Clearances – CI to provide.	
	Inventory		Maternal grandmother: Mor Xiong		
	PTC		Petitioners state the minor has been in their care since before she was two years old, when mom moved to Colorado. Mom would call randomly and request to talk to the minor, but never visited with her. Last week she called and stated she would be coming to pick up the minor and take her back to Colorado with her. She has not seen the minor in a long time and they feel it would be a detriment to the child if her mother takes her away from them.		
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	w/			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report	x			
	9202				
✓	Order		Court Investigator Jennifer Daniel filed a report on – NEED REPORT.		
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 04/09/13	
	UCCJEA	x		Updates:	
	Citation			Recommendation:	
	FTB Notice			File 11 - Yangchungchen	

12 Joanna Miranda (CONS/P)
Atty Miranda, Daniel (pro per – father/Petitioner)
Atty Miranda, Maria Elena (pro per – mother/Petitioner)

Case No. 13CEPR00119

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 18	<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:
	DANIEL MIRANDA and MARIA ELENA MIRANDA , parents, are Petitioners, and request appointment as co-conservators of the person with medical consent powers.	<u>CONTINUED FROM 03/18/13</u>
	Declaration of Dmitri De La Cruz, M.D. supports request for medical consent powers.	Voting rights affected, need minute order.
Cont. from 031813	Voting rights affected.	Court Investigator advised rights on 03/05/13.
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input checked="" type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 04/08/13
		Updates:
		Recommendation:
		File 12 - Miranda

12

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 5 mos.		<u>TEMPORARY EXPIRES 04/15/13</u>		NEEDS/PROBLEMS/COMMENTS:	
		MELISSA JENEE CARPENTER , non-relative, is Petitioner.		1. Need <i>Notice of Hearing</i> for the hearing on the General Petition (04/15/13 hearing date).	
		Father: JONATHAN ANDREW SEWARD, SR.		2. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
Cont. from		Mother: CONNIE ZIMMERMAN		- Jonathan Seward, Sr. (father)	
<input type="checkbox"/>	Aff.Sub.Wit.			- Connie Zimmerman (mother)	
<input checked="" type="checkbox"/>	Verified			3. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
<input type="checkbox"/>	Inventory			- Paternal Grandfather	
<input type="checkbox"/>	PTC			- Brenda Rush (paternal grandmother)	
<input type="checkbox"/>	Not.Cred.			- Maternal grandfather	
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>		- Maternal grandmother	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>		Note: Petitioner filed a Notice of Hearing regarding the temporary hearing (02/27/13) and proofs of service. The proofs of service were signed by Petitioner indicating that she provided the notice. Notice must be mailed and/or personally served by a non-party to the action over the age of 18, therefore any service that was completed (if done by Petitioner) is invalid.	
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>			
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>			
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>			
<input type="checkbox"/>	Objections	<input type="checkbox"/>			
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>			
<input type="checkbox"/>	CI Report	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	9202	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>			
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>			
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>			
<input type="checkbox"/>	Citation	<input type="checkbox"/>			
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>			
		<p>Paternal grandfather: NOT LISTED</p> <p>Paternal grandmother: BRENDA RUSH (father's foster mother)</p> <p>Maternal grandfather: NOT LISTED</p> <p>Maternal grandmother: NOT LISTED</p> <p>Petitioner alleges that the father is her foster brother. She states that both parents are mentally unstable, use drugs and cannot care for the child. Petitioner states that the child when she got the child he was being neglected. CPS has been involved and has told the parents that if they do not allow Petitioner to get guardianship then the child would be placed in foster care. Petitioner states that the mother has been 5150d twice and was having thoughts of harming herself and the child. Further, the father suffers from PTSD and does not have a stable home, he moves from place to place.</p> <p>Court Investigator JoAnn Morris filed a report on – NEED CI REPORT.</p>			
				Reviewed by: JF	
				Reviewed on: 04/09/13	
				Updates:	
				Recommendation:	
				File 13 - Seward	

Petition for Appointment of Temporary Conservatorship of the Person

Age: 70		TEMP GRANTED EX PARTE EXPIRES 4-15-13	NEEDS/PROBLEMS/COMMENTS:
		GENERAL HEARING 5-7-13	Court investigator advised rights on 4-3-13
		DAVID R. SPRINGER, Husband, is Petitioner and requests appointment as Temporary Conservator of the Person.	1. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on the proposed Conservatee Marilyn Faith Springer per Probate Code §2250(e).
Aff.Sub.Wit.		<p>Petitioner states on 3-10-13 the proposed Conservatee suffered a physically and mentally debilitating stroke. Thereafter, on 3-18-13, she was returned to the emergency room and admitted to the hospital. She was also then diagnosed with severe dementia. She was discharged to Golden Living Center in Fowler, a skilled nursing facility, where her long term care needs are being met. The proposed Conservatee has suffered a series of strokes over the past year and is now visually impaired and verbally disabled. She has difficulty comprehending and responding to conversation. She suffers from paralysis and requires assistance walking or standing. She is unable to provide for her own needs such as cooking, bathing, and dressing.</p> <p>Court Investigator Charlotte Bien filed a report on 4-4-13.</p>	<p>Note: Order was previously signed ex parte. If temporary letters are extended, attorney should prepare and submit to Probate Clerk's Office after the hearing.</p>
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
Conf. Screen			
Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 4-9-13	
		Updates:	
		Recommendation:	
		File 14 - Springer	